

CLAIMS AMENDMENT:

Please amend the claims as follows:

Claims:

I Claim:

1. (currently amended) A combined headband and ponytail retaining device, said device including:
 - a. a substantially cylindrical band portion
 - b. said cylindrical band portion having a continuous circumference and a width
 - c. said circumference being stretchable so as to allow placement of said device around the head of a wearer
 - d. said cylindrical band portion incorporating ~~an~~ a substantially elongated opening
 - e. said opening being of a dimension to allow the wearer's ~~hair~~ ponytail to be pulled through said opening
 - f. said headband and ponytail retaining device being contained entirely within said circumference and said width
 - g. said opening being of a dimension to hold the wearer's ponytail snugly
 - h. said opening being of a dimension to avoid bunching wearer's hair into a small, kink-forming diameter

~~whereby the headband can be used as a combined headband and ponytail retaining device. whereby the combined headband and ponytail retaining device can be worn comfortably during a variety of activities and occasions.~~

2. (currently amended) The device of claim 1 wherein said elongated opening is created incorporated into said cylindrical band portion by means of a slit by making an elongated slit created directly in the material of the cylindrical band portion with said slit being substantially parallel to the circumference of said cylindrical band.

3. (canceled) The device of claim 1 wherein said opening is created by attaching two ends of a substantially rectangular band of material to two regions along the circumference of the cylindrical band portion.

4. (canceled) A method of wearing a headband with an opening along its band, said method including

- a. placing the headband around the head of the wearer in the manner of an ordinary headband
- b. reaching into the opening of the headband
- c. pulling the hair of a wearer through the opening of the headband thus constraining the hair of the wearer within the opening of the headband

whereby the headband can be used as a ponytail retainer.

5. (currently amended) A method of wearing a substantially cylindrical neck warmer, said method including:

- a. wearing the neck warmer around the neck with an elongated opening in the neck warmer positioned at the back of the wearer's neck
- b. reaching through the opening and pulling the wearer's hair through the opening

whereby the neck warmer can also double as a ponytail retainer.